

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated December 28, 2006.

As a result of the present amendment, Claims 1-15 are currently pending in the instant application.

New claims 12-15 have been added. Support for these claims can be found in the specification and in the drawings (e.g., see, FIGs. 2-3 and the corresponding text). It is respectfully submitted that no new matter has been added. Moreover, it is respectfully submitted that claims 12-15 each include recitations which are neither taught nor suggested by the cited references.

In the Office Action the Examiner objected to the drawings and stated that the drawings fail to show "the claimed [fastening bracket portion having a] 'U-shaped cross section' in claim 2" (e.g., see, Office Action, page 2). With reference to FIG. 2 of the present Application, fastening bracket portions 11 and 11' each having a U-shaped cross section are shown. Accordingly, as the drawings of the present application disclose that which is claimed, it is respectfully requested that the Examiner's objection to the drawings be withdrawn.

In the Office Action, the claims were rejected as follows. Claims 1-11 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-3 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 1191245A2 (Borlinghaus). Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,596,312 (Kawaguchi). Applicant respectfully requests reconsideration for at least the following reasons.

Regarding the rejection of claims 1-11 under 35 U.S.C. §112, second paragraph, claims 1-3, 5-6, and 8-11 have been amended to overcome the rejection. Moreover, because of the amendments to claims 1-3, 5-6, and 8-11, claims 4 and 7 also overcome the rejection under 35 U.S.C. §112, second paragraph. Accordingly, for at least the above-stated reason, it is respectfully requested that the rejection of claims 1-11 under 35 U.S.C. §112, second paragraph, be withdrawn.

As amended above, independent claim 1 recites "at least one fastening bracket having at least one end portion for fastening cooperation with respective fastening elements in the at least one brake support; and a protective plate for laterally covering at least part of the brake disc, the

protecting plate having first and second major surfaces, the second major surface of the protective plate being attached to the at least one fastening brackets such that the first major surface of the protective plate is situated at the brake disc, wherein the protective plate and the fastening brackets are separate elements which are united with each other.” In other words, the fastening brackets are attached to the second major surface of the protective plate such that the first major surface of the protective plate is situated adjacent to the brake disc. Furthermore, as recited by the claims, the protective plate and the attached fastening at least one fastening bracket are made from separate elements which are attached (i.e., united) to each other. This is better illustrated with reference to FIG. 2 of the present application.

Regarding the rejection of independent claim 1 under 35 U.S.C. §102(b) as being anticipated by Borlinghaus, it is respectfully submitted that Borlinghaus is directed to a disc brake shield that is integrally formed from a single piece of material. This is better illustrated with reference to FIG. 2 of Borlinghaus. Further, in the rejection, the Examiner stated that the protective plate and the fastening bracket, as recited by the claims, are disclosed items (11) and (15), and (14), respectively, as disclosed by Borlinghaus (e.g., see, Office Action, page 4). However, with respect to FIG. 3, Borlinghaus teaches items (11), (14) and (15) are integrally formed from the same sheet of material. This contrasts with the protective plate attached to the fastening brackets such that the first major surface of the protective plate is situated at the brake disc, wherein the protective plate and the fastening brackets are separate elements which are united with each other, as taught by the present application. Accordingly, as Borlinghaus does not teach, disclose, or suggest, each and every limitation of claim 1, Borlinghaus fails to anticipate claim 1.

Regarding the rejection of independent claim 1 under 35 U.S.C. §102(b) as being anticipated by Kawaguchi, it is respectfully submitted that Kawaguchi is directed to a shielded disc brake system having a side panel (40) which is attached to a perforated plate (82) (e.g., see, Kawaguchi, FIG. 18). With reference to FIG. 17, Kawaguchi teaches a dual brake disc assembly in which a single side panel (40) is mounted located adjacent to a lateral side of a corresponding brake disc (24). In the rejection, the Examiner equates the protective plate and the fastening brackets, as recited by the claims of the present application, with the perforated plate (82) and the

side panel (40), respectively, as disclosed by Kawaguchi. However, amended claim 1 recites the protective plate being attached to the fastening brackets. In other words, the protective plate is attached to a plurality of fastening brackets. This is an additional limitation which is neither taught, disclosed, nor suggested by Kawaguchi. Accordingly, as Kawaguchi does not teach, disclose, or suggest, each and every limitation of claim 1, Kawaguchi fails to anticipate claim 1.

It is submitted that claims 1-15 are allowable.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON MARCH 28, 2007.

RCF:VAG:rkw:mjb



Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700